



City Council Chambers
3300 Capitol Avenue
Fremont, California

City Council

Bob Wasserman, Mayor
Bob Wieckowski, Vice Mayor
Anu Natarajan
Bill Harrison
Suzanne Lee Chan

City Staff

Fred Diaz, City Manager
Harvey E. Levine, City Attorney
Melissa Stevenson Dile, Deputy City Manager

Dawn G. Abrahamson, City Clerk
Harriet Commons, Finance Director
Marilyn Crane, Information Technology Svcs. Dir.
Mary Kaye Fisher, Interim Human Resources Dir.
Annabell Holland, Parks & Recreation Dir.
Norm Hughes, City Engineer
Jill Keimach, Community Dev. Director
Bruce Martin, Fire Chief
Jim Pierson, Transportation & Ops Director
Jeff Schwob, Planning Director
Suzanne Shenfil, Human Services Director
Craig Steckler, Chief of Police
Lori Taylor, Economic Development Director
Elisa Tierney, Redevelopment Director

City Council Agenda and Report [Redevelopment Agency of Fremont]

General Order of Business

1. Preliminary
 - Call to Order
 - Salute to the Flag
 - Roll Call
2. Consent Calendar
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
 - Public Hearings
 - Appeals
 - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.

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Information

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

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Availability of Public Records

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk
City of Fremont
3300 Capitol Avenue, Bldg. A
Fremont, California 94538
Telephone: (510) 284-4060

Your interest in the conduct of your City's business is appreciated.

AGENDA
FREMONT CITY COUNCIL REGULAR MEETING
MARCH 2, 2010
COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A
7:00 P.M.

1. PRELIMINARY

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

2. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.

- 2.1 *Motion to Waive Further Reading of Proposed Ordinances
(This permits reading the title only in lieu of reciting the entire text.)*
- 2.2 *Approval of Minutes – None.*
- 2.3 **COOPERATIVE AND FUNDING AGREEMENTS FOR NEW TRAFFIC SIGNAL AT MISSION BOULEVARD AND GURDWARA ROAD**
Authorize the City Manager to Execute a Cooperative Agreement with Caltrans for the City's Shared Cost (\$133,000), and a Funding Agreement with Fremont Gurdwara Sahib to pay \$50,000 as a Portion of the City's Shared Cost for a New Traffic Signal at the Intersection of Mission Boulevard and Gurdwara Road

Contact Person:

| | | |
|----------------|--|--|
| <i>Name:</i> | <i>Kunle Odumade</i> | <i>Jim Pierson</i> |
| <i>Title:</i> | <i>Transportation Engineer</i> | <i>Director</i> |
| <i>Dept.:</i> | <i>Transportation & Operations</i> | <i>Transportation & Operations</i> |
| <i>Phone:</i> | <i>510-494-4746</i> | <i>510-494-4722</i> |
| <i>E-Mail:</i> | <i>kodumade@fremont.gov</i> | <i>jpierson@fremont.gov</i> |

RECOMMENDATION:

1. *Authorize the City Manager or his designee to execute a Cooperative Agreement with Caltrans contributing up to \$133,000 (including \$50,000 from the Fremont Gurdwara) for design and construction of a new traffic signal and intersection improvement project at Gurdwara Road and Mission Boulevard, as described in this staff report.*
2. *Authorize the City Manager or his designee to execute a Funding Agreement with the Fremont Gurdwara Sahib providing for the Gurdwara to contribute \$50,000 towards the City's share of the traffic signal, as described in this staff report.*
3. *Appropriate \$90,000 from 531PWC7953 (Traffic Improvement Program at Various Locations) to 531PWC8730 (Mission Boulevard and Gurdwara Traffic Signal), to cover the City's shared costs and staff time.*
4. *Authorize the City Manager or designee to accept a \$50,000 contribution from Fremont Gurdwara Sahib and deposit and appropriate the funds into 502PWC8730 (Mission Boulevard and Gurdwara Traffic Signal).*

2.4 AWARD CONSULTANT CONTRACT FOR PERMANENT SKATE PARK DESIGN, 8672 (PWC)

Award Professional Design Services Contract to Verde Design, Inc. for the Design of the Permanent Skate Park, 8672 (PWC)

Contact Person:

| | | |
|----------------|-----------------------------------|------------------------------|
| Name: | <i>Roger Ravenstad</i> | <i>Norm Hughes</i> |
| Title: | <i>Senior Landscape Architect</i> | <i>City Engineer</i> |
| Dept.: | <i>Community Development</i> | <i>Community Development</i> |
| Phone: | <i>510-494-4723</i> | <i>510-494-4748</i> |
| E-Mail: | <i>rravenstad@fremont.gov</i> | <i>nhughes@fremont.gov</i> |

RECOMMENDATION: *Award Professional Design Services Contract in the amount of \$175,200 plus \$35,040 for a total not to exceed amount of \$210,240, and authorize the City Manager or designee to enter into an agreement with Verde Design, Inc., for the Permanent Skate Park Project, 8672(PWC).*

2.5 MEASURE WW LOCAL GRANT PROGRAM MASTER AGREEMENT WITH EAST BAY REGIONAL PARK DISTRICT

Adopt a Resolution Authorizing the City Manager to enter into a Master Agreement with the East Bay Regional Park District to Allow the City to Apply for Project Grants under the Local Grants Program of the Measure WW Bond Measure Approved by Voters in 2008

Contact Person:

| | | |
|----------------|-----------------------------------|-----------------------------|
| Name: | <i>Roger Ravenstad</i> | <i>Annabell Holland</i> |
| Title: | <i>Senior Landscape Architect</i> | <i>Director</i> |
| Dept.: | <i>Community Development</i> | <i>Parks and Recreation</i> |
| Phone: | <i>510-494-4723</i> | <i>510-494-4329</i> |
| E-Mail: | <i>rravenstad@fremont.gov</i> | <i>aholland@fremont.gov</i> |

RECOMMENDATION:

1. *Adopt a resolution authorizing the City Manager to enter into a Master Agreement with the East Bay Regional Park District to allow the City to apply for Council approved project grants under the Local Grants Program of the Measure WW bond measure approved by voters in 2008.*
2. *Create a new project, PWC 8731, Measure WW Application Expenses, and transfer \$50,000 from the Emerging Projects Reserve (PWC 7101) Fund 182 to PWC 8731, for the temporary expenses associated with the ongoing preparation of project applications to the Measure WW Bond Local Grants Program.*
3. *Direct staff to make an application to the WW Local Grant Program, 2010 cycle, for the Play Area Upgrade Project for \$2,685,000 and for the Tiny Tot Play Area Upgrade Project for \$488,000.*
4. *Cancel FY 2009/10 appropriation of \$200,000 in 501PWC8670 and FY 2010/11 appropriation of \$200,000 in 501PWC8670 and approve transfer of \$400,000 from Fund 501 to the Budget Uncertainty Reserve.*

2.6 ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY MEDI-CAL ADMINISTRATIVE ACTIVITIES MOU

Authorize the City Manager to Execute a Memorandum of Understanding with the Alameda County Health Care Services Agency for Fremont Human Services FY 2009/10 Medi-Cal Administrative Activities

Contact Person:

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|----------------|-----------------------------|-----------------------------|
| <i>Name:</i> | <i>Arquimides Caldera</i> | <i>Suzanne Shenfil</i> |
| <i>Title:</i> | <i>Deputy Director</i> | <i>Director</i> |
| <i>Dept.:</i> | <i>Human Services</i> | <i>Human Services</i> |
| <i>Phone:</i> | <i>510-574-2056</i> | <i>510-574-2051</i> |
| <i>E-Mail:</i> | <i>acaldera@fremont.gov</i> | <i>sshenfil@fremont.gov</i> |

RECOMMENDATION: *Authorize the City Manager or his designee to execute a Memorandum of Understanding with the Alameda County Health Care Services Agency, to enable the City's Human Services Department to receive FY 2009/10 reimbursement of funds through Alameda County's Medi-Cal Administrative Activities Program.*

2.7 "FIRST 5 ALAMEDA COUNTY" CONTRACT AUTHORIZATION

Authorization for City Manager to Execute an 18-month Contract for Services Funded through "First 5 Alameda County"

Contact Person:

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|----------------|--|-----------------------------|
| <i>Name:</i> | <i>Iris Preece</i> | <i>Suzanne Shenfil</i> |
| <i>Title:</i> | <i>Youth and Family Services Administrator</i> | <i>Director</i> |
| <i>Dept.:</i> | <i>Human Services</i> | <i>Human Services</i> |
| <i>Phone:</i> | <i>510-574-2128</i> | <i>510-574-2051</i> |
| <i>E-Mail:</i> | <i>ipreece@fremont.gov</i> | <i>sshenfil@fremont.gov</i> |

RECOMMENDATION: Authorize the City Manager or designee to execute an 18-month contract with First 5 Alameda County for \$112,500.

2.8 AREA AGENCY ON AGING GRANT APPLICATION

Consideration of a Resolution Authorizing the City to Submit a Grant Application to the Area Agency on Aging, Accept Any Awarded Grant Funds and Execute Any Implementing Agreements

Contact Person:

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|----------------|------------------------------|------------------------------|
| <i>Name:</i> | <i>Karen Grimsich</i> | <i>Suzanne Shenfil</i> |
| <i>Title:</i> | <i>AFS Administrator</i> | <i>Director</i> |
| <i>Dept.:</i> | <i>Human Services</i> | <i>Human Services</i> |
| <i>Phone:</i> | <i>510-574-2062</i> | <i>510-574-2051</i> |
| <i>E-Mail:</i> | <i>kgrimsich@fremont.gov</i> | <i>sshensfil@fremont.gov</i> |

RECOMMENDATION: Adopt a resolution:

- 1. Authorizing the City of Fremont to submit proposals to the Area Agency on Aging for Older Americans Act and Older Californians Act funds to support the Caregiver Support Program, Senior Case Management Program and Multi-Cultural Activities at the Senior Center;*
- 2. Authorizing the City Manager or designee to accept any awarded grant funds, and execute any grant agreements and any necessary implementing documents., subject to adoption of the operating budget for the fiscal year in which the grant funds are to be utilized.*

2.9 EMERGENCY MEDICAL TECHNICIAN BACKGROUNDS

Consider Adopting a Resolution Authorizing Access to Federal, State and Local Summary Criminal History Information for Emergency Medical Technicians Certified by the City of Fremont Fire Department

Contact Person:

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|----------------|----------------------------|----------------------------|
| <i>Name:</i> | <i>Ron Maize</i> | <i>Bruce Martin</i> |
| <i>Title:</i> | <i>Acting Deputy Chief</i> | <i>Fire Chief</i> |
| <i>Dept.:</i> | <i>Fire</i> | <i>Fire</i> |
| <i>Phone:</i> | <i>510-494-4253</i> | <i>510-494-4202</i> |
| <i>E-Mail:</i> | <i>rmaize@fremont.gov</i> | <i>bmartin@fremont.gov</i> |

RECOMMENDATION: Adopt a resolution authorizing access to summary criminal history information for EMTs certified by the City of Fremont Fire Department.

2.10 PURCHASE OF TWO COMPRESSED NATURAL GAS (CNG) STREET SWEEPERS

Authorization for the City Manager or Designee to Purchase Two Compressed Natural Gas (CNG) Street Sweepers from Municipal Maintenance Equipment, Inc., in an Amount Not to Exceed \$566,833

Contact Person:

| | | |
|----------------|--|--|
| <i>Name:</i> | <i>Mark P. Collins</i> | <i>Frank Morgan</i> |
| <i>Title:</i> | <i>Fleet Maintenance Supervisor</i> | <i>Deputy Director of Maintenance Operations</i> |
| <i>Dept.:</i> | <i>Transportation & Operations</i> | <i>Transportation & Operations</i> |
| <i>Phone:</i> | <i>510-979-5739</i> | <i>510-979-5701</i> |
| <i>E-Mail:</i> | <i>mcollins@fremont.gov</i> | <i>fmorgan@fremont.gov</i> |

RECOMMENDATION: Authorize the City Manager or designee to execute a purchase order with Municipal Maintenance Equipment, Inc., in an amount not to exceed \$566,833 for the purchase of two Compressed Natural Gas (CNG) street sweepers.

2.11 PACIFIC COMMONS PLANNED DISTRICT MAJOR AMENDMENT

Public Hearing (Published Notice) a Planned District Major Amendment to add Various Retail and Service Commercial Land Uses to the Uses Currently Allowed Within Planning Areas 2, 3C, and 4 of the Pacific Commons Major Retail District, as Recommended by the Planning Commission (PLN2010-00114)

Contact Person:

| | | |
|----------------|------------------------------|------------------------------|
| <i>Name:</i> | <i>Wayne Morris</i> | <i>Jeff Schwob</i> |
| <i>Title:</i> | <i>Senior Planner</i> | <i>Planning Director</i> |
| <i>Dept.:</i> | <i>Community Development</i> | <i>Community Development</i> |
| <i>Phone:</i> | <i>510-494-4729</i> | <i>510-494-4527</i> |
| <i>E-Mail:</i> | <i>wmorris@fremont.gov</i> | <i>jschwob@fremont.gov</i> |

RECOMMENDATION:

- 1. Hold public hearing;*
- 2. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guideline 15305 which exempts minor alterations to land uses;;*
- 3. Find that Planned District Major Amendment P-2010-00114 is in conformance with the relevant provisions contained in the City's current General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use Chapter and as enumerated within the staff report;*
- 4. Waive full reading and introduce an ordinance amending Planned District P-2002-214 by approving PLN2010-00114, as shown on Exhibit "A", subject to the findings and conditions contained in Exhibit "B".*
- 5. Direct staff to prepare and the City Clerk to publish a summary of the above ordinance outlined in recommendation No. 4.*

3. CEREMONIAL ITEMS

- 3.1 Proclamation: Celebrating March 2010 as American Red Cross Month

4. PUBLIC COMMUNICATIONS

- 4.1 Oral and Written Communications

REDEVELOPMENT AGENCY – The Redevelopment Agency Board will convene at this time and take action on the agenda items listed on the Redevelopment Agency Agenda. [See separate agenda](#) (yellow paper).

PUBLIC FINANCING AUTHORITY – None.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

6.1 Report Out from Closed Session of Any Final Action

7. OTHER BUSINESS

7.1 ADOPTION OF THE CONSOLIDATED AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE FREMONT MERGED REDEVELOPMENT PROJECT AND RELATED STATUTORY ACTIONS

Adoption of the Consolidated Amended and Restated Redevelopment Plan for the Fremont Merged Redevelopment Project and Related Statutory Actions, Which Include: (1) Adoption of the Concurrent Resolution of the Redevelopment Agency and City Council Certifying the Final Subsequent Environmental Impact Report; (2) Adoption of Responses to All Written Communications about the Plan Amendment; and (3) Introduction of the Ordinance Adopting the Amended Plan and Making the Required Legal Findings

Contact Person:

| | | |
|---------|--------------------------------|------------------------|
| Name: | Irene de Jong | Elisa Tierney |
| Title: | Redevelopment Business Manager | Redevelopment Director |
| Dept.: | City Manager's Office | City Manager's Office |
| Phone: | 510-494-4510 | 510-494-4501 |
| E-Mail: | idejong@fremont.gov | etierney@fremont.gov |

RECOMMENDATION: Staff recommends that City Council:

1. Adopt Concurrent Resolution of the Redevelopment Agency and City Council certifying the Final Subsequent Environmental Impact Report and making related CEQA findings, including adopting a mitigation monitoring program and a statement of overriding considerations;
2. Adopt Responses to all written communications about the Amended Redevelopment Plan; and
3. Introduce the Ordinance amending the Redevelopment Plans for the Irvington, Niles, Centerville and Industrial Redevelopment Projects and Project Areas, and approving and adopting the Consolidated Amended and Restated Redevelopment Plan for the Fremont Merged Redevelopment Project pursuant to the California Community Redevelopment Law.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events

9. ADJOURNMENT



***2.3 COOPERATIVE AND FUNDING AGREEMENTS FOR NEW TRAFFIC SIGNAL AT MISSION BOULEVARD AND GURDWARA ROAD**

Authorize the City Manager to Execute a Cooperative Agreement with Caltrans for the City's Shared Cost (\$133,000), and a Funding Agreement with Fremont Gurdwara Sahib to pay \$50,000 as a Portion of the City's Shared Cost for a New Traffic Signal at the Intersection of Mission Boulevard and Gurdwara Road

Contact Person:

| | | |
|---------|-----------------------------|-----------------------------|
| Name: | Kunle Odumade | Jim Pierson |
| Title: | Transportation Engineer | Director |
| Dept.: | Transportation & Operations | Transportation & Operations |
| Phone: | 510-494-4746 | 510-494-4722 |
| E-Mail: | kodumade@fremont.gov | jpierson@fremont.gov |

Executive Summary: The installation of a new traffic signal and roadway improvements at the intersection of Mission Boulevard and Gurdwara Road is a cooperative project between Caltrans, the City of Fremont and AC Transit. The main purpose of the traffic signal is to facilitate safe pedestrian crossing of Mission Boulevard, allowing an AC Transit bus stop to be installed on the east side of Mission Boulevard to match the existing bus stop on the west side. The intersection meets Caltrans warrants for a new traffic signal. The roadway improvement portion of the project includes construction of ADA-compliant curb ramps; new sidewalk, curb and gutter; and new bus pads for new AC Transit bus stops. The work also involves median reconstruction and utility relocation. The new bus stop will eliminate the current routing of AC Transit buses into the California Terrace residential neighborhood to serve the Fremont Gurdwara located at the end of Gurdwara Road.

The estimated total project cost is \$600,000. Caltrans will be responsible for 67% (\$400,000), AC Transit will contribute 11% (\$67,000), and the shared cost for the City is 22% (\$133,000). Fremont Gurdwara is contributing \$50,000 towards the City's share of the cost. The net contribution from the City will be \$83,000 (14%). Caltrans will be responsible for designing and constructing the project. In order to implement the project, the City needs to execute a cooperative agreement with Caltrans and AC Transit, and a funding agreement with the Fremont Gurdwara for the City to collect the \$50,000 contribution. Staff recommends that City Council authorize the City Manager to 1) execute the Cooperative and the Funding agreements, 2) appropriate \$90,000 from 531PWC7953 (Traffic Improvement Program at Various Locations) to 531PWC8730 (Mission Boulevard and Gurdwara Traffic Signal) to cover the City's shared cost and staff time; and 3) authorize the City Manager to accept the \$50,000 contribution from Fremont Gurdwara and deposit and appropriate the funds into 502PWC8730 (Mission Boulevard and Gurdwara Traffic Signal) account.

BACKGROUND: In early 2006, AC Transit received requests for bus service from members of Fremont Gurdwara, located at the end of Gurdwara Road in the City of Fremont. Many of the elderly temple members rely on bus service for transportation. The closest bus stop was at the signalized intersection of Mission Boulevard and King Street, approximately one-half mile from the Fremont Gurdwara. The ideal location for bus stops for the requested bus service is at the intersection of Mission Boulevard and Gurdwara Drive, less than one-quarter mile from the Gurdwara. That location did not

meet AC Transit's bus stop safety criteria because there are inadequate pedestrian facilities for bus patrons. Also, due to the high traffic volume and speed on Mission Boulevard, bus patrons cannot safely cross Mission Boulevard without a traffic signal.

To respond to the Gurdwara's request, AC Transit agreed to improve service to the Gurdwara by rerouting an existing bus line (Line 99) from Mission Boulevard between King Avenue and Gurdwara Road through the California Terrace neighborhood by using Terrace Drive. Exhibit A shows the bus route to Fremont Gurdwara. In May 2006, AC Transit started a community engagement process required before the implementation of any route change or service adjustment. Part of the process included public meetings with advance notifications (mailings and canvassing) to residents and businesses in the area that could be impacted by any proposed bus service changes, meetings with local agencies to get their input, and advertising the public meetings in the local newspapers. At the public meetings, there was no opposition to the proposed route adjustment. However, it wasn't until June 24, 2007, that AC Transit started providing bus service to Fremont Gurdwara by rerouting both the southbound and northbound Line 99 bus line through Terrace Drive. Line 99 is a bus line from Bayfair BART (San Leandro) to Fremont BART. By that time, the neighbors no longer recalled receiving any notification about the new bus routing and were very upset that large transit buses were coming through their neighborhood every 15 minutes. On June 26, 2007, staff received a request from one of the neighborhood residents to remove the bus line from Terrace Drive due to safety concerns about bus traffic on the residential street. Over the past 30 months, multiple complaints have been received from some of the residents in the neighborhood about the noise, disruption and safety of the bus in the neighborhood and concerns with the bus stop that was located at the corner of Gurdwara Road and Terrace Drive.

AC Transit and City staff met with the residents on numerous occasions to discuss their concerns and possible solutions. At a community meeting held by AC Transit and the City in late 2007, the residents and the members of the Fremont Gurdwara agreed that the best solution would be to install a traffic signal at Gurdwara Road and Mission Boulevard so that bus stops could be safely placed on Mission Boulevard close to the Temple and the buses would no longer have to enter the neighborhood. It was understood that it could take several years to implement a new traffic signal project because funding would need to be identified and then the signal would have to be designed and constructed.

To help address some of the neighborhood's issues, over the past two years, AC Transit, the City and Caltrans have collaborated on several interim solutions to reduce the number of buses in the neighborhood while still providing adequate service to the Gurdwara. The interim solutions included a new southbound bus stop on Mission that enabled all southbound buses to stay on Mission; reduced hours of service to the Gurdwara; a new bus stop in front of the Gurdwara; and reduced frequency of the buses serving the Gurdwara. All of these interim solutions were put in place with the approval of the Gurdwara, with the understanding that the traffic signal would continue to be pursued. Finally, in 2009, AC Transit removed all but Sunday bus service from the neighborhood in spite of objections from the Gurdwara. Each of these actions has served to reduce the number of complaints from the neighborhood, but not eliminate them. In addition, the Gurdwara is no longer satisfied with the level of bus service they are receiving. The only solution that will satisfy both the neighborhood and the Gurdwara is the new traffic signal.

DISCUSSION/ANALYSIS: To evaluate the justification for a new traffic signal, traffic counts were conducted at the Mission Boulevard and Gurdwara Road intersection by City staff in December 2007. It included 12-Hour Counts along with Turning Movement Volumes and Pedestrian Volume Counts. Traffic Signal Warrant Analysis was done for this intersection, and the analysis indicated that this intersection meets three warrants (Warrant 1 - Eight Hour Vehicular Volume, Warrant 2 - Four Hour Vehicular Volume, and Warrant 3 - Peak Hour). Caltrans has reviewed the data, and concurred that a traffic signal can be installed at the intersection.

After Caltrans agreed the signal could be installed, the three agencies began exploring ways of funding the traffic signal and associated intersection improvements, estimated to cost up to \$600,000. With the help of Senator Corbett, Caltrans agreed to fund two-thirds of the cost with the remaining \$200,000 to be shared by the City, AC Transit. AC Transit has agreed to contribute one-third of the remaining \$200,000 leaving \$133,000 to be funded by the City. The Gurdwara has agreed to contribute \$50,000 to the traffic signal, resulting in a net City share of \$83,000.

The traffic signal project includes construction of ADA compliant curb ramps; new sidewalk, curb and gutter; new bus pads for the new AC Transit bus stops and the installation of the traffic signal. The work also involves median reconstruction and utility relocation. Caltrans will be responsible for all preliminary engineering work, developing all plans and specifications for the project, bidding and awarding the construction contract and construction management of the project. Fremont staff will be responsible for reviewing plans and specifications, and inspection of facilities within the City's right-of-way. AC Transit will review design plans related to the bus stops and inspect the construction of the bus stop facilities. Caltrans will invoice the City and AC Transit, and the partners will exchange funds for the actual cost. Once constructed, the City and Caltrans will share the cost of maintenance, with the City paying for the electricity cost for the traffic signal (estimated at approximately \$45 per month), and Caltrans will be responsible for all other maintenance, including traffic signal maintenance, associated with this intersection.

In order to move forward with the design, Caltrans requires a cooperative funding agreement with the City and AC Transit to share in the project costs and document the roles and responsibilities of each party. The Agreement calls for AC Transit to commit \$67,000 toward the project and the City to contribute \$133,000. Caltrans will complete design at its cost once the Agreement is signed and will not require the City or AC Transit to contribute its funding until they are ready to advertise the construction contract in Spring 2011.

Caltrans was unwilling to enter into a funding agreement with a private party and therefore proposed that the City secure the \$50,000 funding commitment from the Fremont Gurdwara. To document the Gurdwara's funding commitment, staff drafted a funding agreement between the City and the Gurdwara. The Agreement calls for the Gurdwara to contribute its \$50,000 within 14 days of executing the Agreement. The City will be responsible for depositing the Gurdwara's funds into an interest-bearing account. After the City has received the funds from the Gurdwara, the City will be able to execute the Agreement with Caltrans. When the City's funds are required by Caltrans, the City will contribute its share of the funding, including the Gurdwara's \$50,000, and forward the Gurdwara's interest earnings to them at that time.

Caltrans has programmed their portion of the project cost in their FY 2010/11 budget, and construction is scheduled to start in June 2011. Community involvement of California Terrace residents and members of Fremont Gurdwara may be needed as the project progresses.

FISCAL IMPACT: The City will be responsible for funding up to \$83,000 for the project. Sufficient funding is available for this purpose in the CIP in account 531PWC7953 (Traffic Improvement Program at Various Locations). In addition, the City will be responsible for paying for the traffic signal electricity costs once it is constructed, estimated to be approximately \$540 per year. Funding for the electricity costs will be included in the Transportation Division's operating budget, just like all other City traffic signals.

ENVIRONMENTAL REVIEW: The City Council's action to authorize the City Manager to execute cooperative and funding agreements does not require CEQA review. Caltrans will be responsible for preparing and processing the environmental documents required for this project as it proceeds.

ENCLOSURE: [Location Map and AC Transit bus route \(Exhibit A\)](#)

RECOMMENDATION:

1. Authorize the City Manager or his designee to execute a Cooperative Agreement with Caltrans contributing up to \$133,000 (including \$50,000 from the Fremont Gurdwara) for design and construction of a new traffic signal and intersection improvement project at Gurdwara Road and Mission Boulevard, as described in this staff report.
2. Authorize the City Manager or his designee to execute a Funding Agreement with the Fremont Gurdwara Sahib providing for the Gurdwara to contribute \$50,000 towards the City's share of the traffic signal, as described in this staff report.
3. Appropriate \$90,000 from 531PWC7953 (Traffic Improvement Program at Various Locations) to 531PWC8730 (Mission Boulevard and Gurdwara Traffic Signal), to cover the City's shared costs and staff time.
4. Authorize the City Manager or designee to accept a \$50,000 contribution from Fremont Gurdwara Sahib and deposit and appropriate the funds into 502PWC8730 (Mission Boulevard and Gurdwara Traffic Signal).

***2.4 AWARD CONSULTANT CONTRACT FOR PERMANENT SKATE PARK DESIGN, 8672 (PWC)**

Award Professional Design Services Contract to Verde Design, Inc. for the Design of the Permanent Skate Park, 8672 (PWC)

Contact Person:

| | | |
|---------|----------------------------|-----------------------|
| Name: | Roger Ravenstad | Norm Hughes |
| Title: | Senior Landscape Architect | City Engineer |
| Dept.: | Community Development | Community Development |
| Phone: | 510-494-4723 | 510-494-4748 |
| E-Mail: | rravenstad@fremont.gov | nhughes@fremont.gov |

Executive Summary: City Council is being asked to award a professional design services contract to Verde Design, Inc. for the amount of \$175,200 plus an additional \$35,040 for unforeseen circumstances, for a total not to exceed contract amount of \$210,240. The design services will include public workshops, design studies, preparation of contract (bid) documents, permit documents, and assistance during construction. Fremont's first permanent skate facility will be located directly north of the recently completed Aqua Adventure Water Park in Central Park, in the undeveloped portion of the former Swim Lagoon.

BACKGROUND: With the adoption of the fiscal year 2009/10 to 2013/14 Capital Improvement Program, the City Council included the remaining funding needed to complete Fremont's first permanent skate park to replace the temporary park that was closed in April 2009. In 1999, Fremont opened the temporary wooden ramp skate park, which was intended to last five years, until enough funding could be established for a permanent facility. A modern permanent facility differs from a temporary facility in that it is built of concrete and typically includes multiple deep bowls combined with "street" style features that mimic an urban downtown plaza. Through extensive maintenance and repairs, Fremont managed to keep the temporary facility open to local skaters for ten years. In April 2009, the temporary Skate Park was closed. The costs to maintain the facility in a safe manner became too great for the aged facility.

The plan to build a permanent skate park in Fremont was one of the most popular items discussed during the community process that preceded the adoption of the 1995 Park Master Plan. The Recreation Commission has kept the skate park as a priority by incrementally recommending funding over the years through the capital improvement plan process.

Location analysis: Staff conducted a location study that included two Central Park locations. Central Park continues to be the appropriate location due to the special nature of a skate park and the convenient location of Central Park itself. With the BART Extension Project commencing in the north portion of the park, the study was limited to the evaluation of two potential locations: 1) the existing location of the temporary skate park on what is commonly referred to as the "knoll"; and 2) the remaining undeveloped portion of the swim lagoon adjacent to the Aqua Adventure Water Park.

Staff from the Parks and Recreation Department and Community Development Department collaborated on developing a selection strategy and evaluation criteria for the location of the future skate park.

Selection criteria and evaluation included the following:

- Centralized location within the City and Central Park,
- High visibility from outside for safety and convenience for police patrol,
- Substantial existing parking directly adjacent to facility,
- Available restroom near site,
- Suitably segregated from other conflicting use areas, such as play areas, group picnic areas, and passive use areas (the adjacent Water Park was considered a compatible adjacent use),
- Suitable distance from residential areas, (while residential homes are across Paseo Padre Parkway, they are buffered by 340 feet, which includes a parking lot, a 4-lane boulevard, and two landscaped medians),
- Controlled access: this site can be easily fenced should the City find it necessary to do so,
- Adequate area for skate park and appurtenances,
- Utility connections reasonably accessible to the project, adding to the constructability of the facility,
- Compatible land use designation; Central Park is already designated as a special use park, which is appropriate for a unique facility such as a skate park.

In analyzing the two sites, the knoll site was able to meet some of these criteria, but lacked in some critical areas, such as visibility, no restrooms, and adequate area for modern skate park appurtenances. The approximately one acre portion of the undeveloped swim lagoon site closest to Paseo Padre Parkway was chosen as the preferred site for the future Skate Park.

The request for proposals for design services identified the old swim lagoon site as the preferred location. There was a general consensus with the interviewed firms that the chosen location is well suited for the project.

DISCUSSION/ANALYSIS: On October 15, 2009, the City advertised the request for proposals for design services and received eleven responses on November 6, 2009. After an evaluation, five firms were invited to interview on December 16, 2009. The panel included staff from the Community Development Department, Parks and Recreation Department, and two members from the skating community in Fremont.

The selection panel used the following criteria to evaluate the five teams interviewed:

1. Demonstrated experience and qualifications (including education, training, licenses, experience, and past performance) of the firm and proposed key personnel in providing a comprehensive range of design services for comparable projects to the Skate Park project.
2. Demonstrated experience of the firm/team and proposed key personnel working collaboratively and effectively with City staff and City consultants, contractors, community members and other participants in the construction projects.
3. Demonstrated organizational capability of the firm/team and proposed key personnel to manage and meet client budget, project requirements and schedules.
4. Demonstrated financial capability and acceptance of City's insurance, indemnity and standard contract requirements.
5. Responsiveness of proposal to the specific requirements detailed in the Request for Proposals.

The selection panel was unanimous in the selection of Verde Design, Inc. team as the most qualified and most responsive team. Verde Design, Inc., is a multi-discipline firm having extensive experience in public park design with an emphasis in athletic facilities. Wormhoudt, Inc. (subconsultant) is one of the oldest skate park design firms in California, established in 1963, and remains one of the most sought after skate park design firms. Wormhoudt has designed over 100 skate park facilities throughout the world. Verde and Wormhoudt have collaborated on three previous skate park projects, one of them being the recently opened Lake Cunningham Regional Skate Park in San Jose, which is the largest skate park in Northern California.

The team of Verde and Wormhoudt demonstrated exceptional skill and experience in community workshops, detail construction documentation, and knowledge of the unique requirements for publicly owned skate park development.

FISCAL IMPACT: The adopted project budget for the Permanent Skate Park is \$2,042,000. The budget breakdown is as follows:

| | |
|---|------------------|
| Project Management, permitting, utilities, community process, special studies: | \$249,676 |
| Design Consultant (Verde Design, Inc.) | \$210,240 |
| Construction (estimated bid): | \$1,200,000 |
| Construction Management: | \$124,000 |
| Project Contingencies: | <u>\$258,084</u> |
| TOTAL PROJECT BUDGET: | \$2,042,000 |

ENVIRONMENTAL REVIEW: Environmental review of the project will be conducted through the CEQA process as the project develops.

ENCLOSURE: None.

RECOMMENDATION: Award Professional Design Services Contract in the amount of \$175,200 plus \$35,040 for a total not to exceed amount of \$210,240, and authorize the City Manager or designee to enter into an agreement with Verde Design, Inc., for the Permanent Skate Park Project, 8672(PWC).

***2.5 MEASURE WW LOCAL GRANT PROGRAM MASTER AGREEMENT WITH EAST BAY REGIONAL PARK DISTRICT**

Adopt a Resolution Authorizing the City Manager to enter into a Master Agreement with the East Bay Regional Park District to Allow the City to Apply for Project Grants under the Local Grants Program of the Measure WW Bond Measure Approved by Voters in 2008

Contact Person:

| | | |
|---------|----------------------------|----------------------|
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Executive Summary: Adopt a resolution authorizing the City Manager to enter into a Master Agreement with the East Bay Regional Park District (EBRPD) to allow the City to apply for project grants under the Local Grant Program of the Measure WW bond measure approved by voters in 2008, establish a new project to track expenses that will be reimbursed by the program, approve a 2010 application to the WW Grant Program for Citywide Play Area Upgrades and Tiny Tot Play Area Upgrades, and cancel appropriations of \$200,000 in FY 2009/10 and \$200,000 in FY 2010/11 for Citywide playground equipment projects and transfer those funds to the Budget Uncertainty Reserve.

BACKGROUND: In 2008, Alameda and Contra Costa County voters approved a \$500 Million extension of the 1988 Park Improvement Bond Measure AA. The new measure, Measure WW, includes \$125 million for cities, special park and recreation districts, county service areas, and the Oakland Zoo for much-needed local park and recreation projects. The City of Fremont was allocated \$9,758,562, to be used for City projects. The amount will be disbursed through the Measure WW Local Grant Program administered by EBRPD. All projects must be completed by December 31, 2018.

The City is obligated to maintain the completed projects for the following 25 years after completion.

DISCUSSION/ANALYSIS: The Measure WW funds are eligible for uses that many of the City's Parks Funds are not. City impact fees, which generate most of the City's funding for park development, may only be used for the creation of new or expanded parks in compliance with the Park Master Plan. Renovation projects throughout the parks have historically been underfunded. The Measure WW funds are an opportunity for Fremont to catch up on some long awaited renovating and upgrade projects throughout the park system that would otherwise require funding through the General Fund. Since the renovation and upgrade projects are facilities already maintained by the City, we are able to commit to the Measure WW requirement to maintain the completed project for 25 years. Furthermore, the renovation and upgrade projects will reduce overall maintenance demands as the on-going facility repairs staff currently works on will be substantially reduced through the projects. The projects will be maintenance beneficial.

Staff from the Parks and Recreation Department, and the Community Development Department have collaborated on a draft plan for renovating some of the City's aging facilities such as play grounds, irrigation, lighting, turf renovation, building repair, concrete repair, and many others. The list generated

over \$20,765,500 in repairs needed throughout the parks (see Enclosure A). Council will have the opportunity during the upcoming 2011 Capital Improvement Program process to consider specific projects for Measure WW funds including the project listed in Enclosure A.

Each year the City is eligible to submit for project funds between February 1 and March 31. Pending City Council's approval of the Master Agreement, staff has prepared a project application for the current 2010 application cycle that addresses \$2,685,000 in Citywide play area upgrades plus \$488,000 in Tiny Tot play area upgrades. The play areas included in the application are Frank Fisher Park, Central Park (main play area), Lowry Park, Rix Park, Peregrine Park, Warbler Park, and David Jones Park. The Tiny Tot sites include Irvington, Centerville, and Los Cerritos Community Parks. This report includes a recommendation to approve these projects for the current WW application cycle.

FISCAL IMPACT: There is no matching requirement and all project expenses are eligible for reimbursement on approved projects. Staff will establish a project to track project expenses expended prior to the East Bay Regional Park District (EBRPD) approval of projects. The expenses that will be reimbursed include concept plan development, environmental document preparation, and application preparation. All of these activities must occur before the project application can be made to EBRPD, even though they are eligible expenses. Staff proposes to use \$50,000 in funds from the emerging project reserve, Fund 182, to establish a project, which will be reimbursed as projects applications are approved and funds disbursed by EBRPD.

In addition, there is currently \$200,000 in funding for Citywide playground equipment in the General Capitol Projects Fund, Fund 501 (PWC 8670) for FY 2009/10, and another \$200,000 proposed for FY 2010/11. Because of the availability of Measure WW money, staff proposes canceling these \$40,000 in appropriations and transferring this amount into the City's Budget Uncertainty Reserve.

ENVIRONMENTAL REVIEW: None.

ENCLOSURES:

- [Draft Resolution](#)
- [Enclosure A: Possible Projects for the Measure WW Bond Applications](#)

RECOMMENDATION:

1. Adopt a resolution authorizing the City Manager to enter into a Master Agreement with the East Bay Regional Park District to allow the City to apply for Council approved project grants under the Local Grants Program of the Measure WW bond measure approved by voters in 2008.
2. Create a new project, PWC 8731, Measure WW Application Expenses, and transfer \$50,000 from the Emerging Projects Reserve (PWC 7101) Fund 182 to PWC 8731, for the temporary expenses associated with the ongoing preparation of project applications to the Measure WW Bond Local Grants Program.
3. Direct staff to make an application to the WW Local Grant Program, 2010 cycle, for the Play Area Upgrade Project for \$2,685,000 and for the Tiny Tot Play Area Upgrade Project for \$488,000.
4. Cancel FY 2009/10 appropriation of \$200,000 in 501PWC8670 and FY 2010/11 appropriation of \$200,000 in 501PWC8670 and approve transfer of \$400,000 from Fund 501 to the Budget Uncertainty Reserve.

***2.6 ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY MEDI-CAL ADMINISTRATIVE ACTIVITIES MOU**
Authorize the City Manager to Execute a Memorandum of Understanding with the Alameda County Health Care Services Agency for Fremont Human Services FY 2009/10 Medi-Cal Administrative Activities

Contact Person:

| | | |
|---------|----------------------|----------------------|
| Name: | Arquimides Caldera | Suzanne Shenfil |
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Executive Summary: The purpose of this report is to authorize the City Manager to sign a Memorandum of Understanding (MOU) with the Alameda County Health Care Services Agency (HCSA) to enable the City to receive reimbursement of funds, through Alameda County's Medi-Cal Administrative Activities (MAA) program, for eligible activities carried out by Human Services staff.

BACKGROUND: The Medi-Cal Administrative Activities (MAA) program is a Medi-Cal reimbursement program administered by Alameda County Health Care Services Agency (HCSA). MAA is funded by Medicaid Title XIX through the federal Centers for Medicare and Medicaid Services (CMS). Funding flows through the California Department of Health Services (DHS), then through the County to the City. The MAA Program offers a way for service providers to obtain federal reimbursement for the cost of certain administrative activities necessary for the proper and efficient administration of the Medi-Cal program.

DISCUSSION/ANALYSIS: City staff analyzed the MAA regulations and determined that many of the administrative activities carried out in support of City programs, such as Family Case Management, Youth and Family Counseling, the Afghan Health Promoter Project and the Multipurpose Senior Services Program (MSSP), among others, are eligible for reimbursement under MAA.

Claiming Plan: In order to receive reimbursement, City staff completed four claiming plans that describe the Medi-Cal Administrative Activities to be carried out, the staff for whom claiming would be done, and the methodology for determining costs. The Afghan Elderly Association (AEA), the City's partner in the Health Promoter Project, was included in one of these plans. Depending on the qualifications of the staff carrying out eligible administrative activities, MAA reimburses eligible agencies either 50% or 75% of the cost of performing the activity. The City's claiming plans were approved by DHS in January 2010. Eligible MAA activities include the following:

1. Outreach to Medi-Cal eligible people for the purpose of bringing them into Medi-Cal services, as well as potentially eligible Medi-Cal clients for the purpose of determining their Medi-Cal eligibility.
2. Facilitating the completion of Medi-Cal applications.
3. Non-emergency, non-medical transportation of Medi-Cal eligible individuals to Medi-Cal covered services.

4. Administering contracts for Medi-Cal services and administrative activities.
5. Program planning and policy development with the goal of increasing the Medi-Cal system's capacity.

Time Survey and Reimbursement: In October 2009, Human Services and AEA staff completed time surveys to determine the percentage of staff time spent on reimbursable administrative activities. Once FY 2009/10 closes, HCSA and City staff will use the time survey and actual FY 2009/10 expenses to calculate the reimbursement for time spent on eligible administrative activities during the fiscal year. HCSA will then submit the request for reimbursement to DHS. Staff expects a response to the reimbursement request in December 2010.

FISCAL IMPACT: Based on the most recently completed MAA reimbursement cycle, staff anticipates receiving approximately \$150,000 in reimbursement for eligible activities. MAA revenues are an important component of the Human Services Department's strategy to identify outside revenue sources to sustain safety net services and support administrative overhead costs associated with these services.

ENVIRONMENTAL REVIEW: N/A

ENCLOSURE: None

RECOMMENDATION: Authorize the City Manager or his designee to execute a Memorandum of Understanding with the Alameda County Health Care Services Agency, to enable the City's Human Services Department to receive FY 2009/10 reimbursement of funds through Alameda County's Medi-Cal Administrative Activities Program.

***2.7 “FIRST 5 ALAMEDA COUNTY” CONTRACT AUTHORIZATION**

Authorization for City Manager to Execute an 18-month Contract for Services Funded through “First 5 Alameda County”

Contact Person:

| | | |
|---------|---|----------------------|
| Name: | Iris Preece | Suzanne Shenfil |
| Title: | Youth and Family Services Administrator | Director |
| Dept.: | Human Services | Human Services |
| Phone: | 510-574-2128 | 510-574-2051 |
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Executive Summary: “First 5 Alameda County” (“First 5”) has awarded \$112,500 to the City for 18 months of funding, January 1, 2010-June 30, 2011. Funds are to be used by the Youth and Family Services Division of the Human Services Department to continue the Infant Toddler Program (ITP) in providing mental health services to children age five years or younger that do not have health insurance coverage, and for conducting the “Preschool Parent Academy” in partnership with Fremont Unified School District. Staff recommends that the City Council authorize the City Manager or his designee to execute the funding agreement with First 5 Alameda County.

BACKGROUND: First 5 Alameda County (“First 5”) is authorized by the California Children and Families First Act of 1998 (Proposition 10, the tobacco tax initiative) to expend monies for the support and improvement of early childhood development within Alameda County. By law, First 5 funding must be used to expand or enhance existing programs or to initiate new services and programs benefitting children ages 0-5. First 5 allocates funds for community partnerships through the Community Grants Initiative based on priorities within its Every Child Counts Strategic Plan for FY 2009-2013.

First 5 has awarded funding to the City for the Infant Toddler Program since FY 2001/02 because research shows that early childhood mental health services are a cost effective early intervention strategy that increases a child’s ability to succeed in school, and reduces involvement in crime, drug abuse and other high risk behaviors. Over the past eight years, the First 5 funding has enabled the City to provide mental health and other supportive services for over 450 families of children less than five years of age. First 5’s most recent (FY2007-2010) grant was used to increase ITP’s capacity to serve Spanish speaking families.

DISCUSSION/ANALYSIS: Because the City is not in a financial position to expand or start new programs, staff developed a successful proposal that retains First 5 funding by enhancing the Infant Toddler Program’s ability to conduct parent education with low-income, preschool parents, while continuing to provide early mental health services for children that are not insured. City staff worked closely with Fremont Unified School District’s Preschool manager in designing the seven-week course called the “Preschool Parent Academy.” FUSD operates 12 state-funded preschool classes for approximately 280 children from low-income families. Many of the parents are new to the U.S. and 74% speak a language other than English at home; almost half (47%) speak Spanish at home. Existing staff counselors will co-teach the seven-week course with FUSD preschool teachers. The course will be taught in both English and Spanish approximately eight times during the grant period. The co-teaching

model will enhance the capacity of the preschool teachers to refer children in need of early childhood mental health treatment. Most of the children in need of treatment will be insured through Medi-Cal.

FISCAL IMPACT: This award of \$112,500 continues First 5 funding at the same level as in prior years for the 18-month period from January 1, 2010 – June 30, 2011. Approximately \$37,500 will be used in FY 2009/10 and \$75,000 in FY 2010/11. The FY 2009/10 amount is already included in the adopted budget and no additional appropriation is needed. The FY 2010/11 amount will be included in the proposed budget for next fiscal year. Most (85%) of the funds, which is \$99,567, will be used to pay for personnel (.60 FTE counselor position; and stipends for the preschool teachers). The grant includes 12% or \$12,054 for city-wide overhead costs and \$880 for supplies. The grant also enables the City to strengthen its partnership with FUSD, and to reach low-income children.

ENVIRONMENTAL REVIEW: N/A

ENCLOSURE: None.

RECOMMENDATION: Authorize the City Manager or designee to execute an 18-month contract with First 5 Alameda County for \$112,500.

***2.8 AREA AGENCY ON AGING GRANT APPLICATION**

Consideration of a Resolution Authorizing the City to Submit a Grant Application to the Area Agency on Aging, Accept Any Awarded Grant Funds and Execute Any Implementing Agreements

Contact Person:

| | | |
|---------|-----------------------|----------------------|
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| Dept.: | Human Services | Human Services |
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Executive Summary: The City of Fremont Human Services Department has provided services with funding from the Older Americans Act and Older Californians Act since 1989. The funds support the Aging and Family Services Division Caregiver Support Program, Case Management Program and Multi-Cultural Activities at the Senior Center. The Older Americans Act and Older Californians Act programs are now accepting proposals to fund the next four-year cycle (2010-2014). Staff is requesting authorization to submit proposals for the Older Americans Act and Older Californians Act funding for Supportive Services and the Family Caregiver Support Program, as well as accept awarded grant fund and execute any implementing agreements.

BACKGROUND: The City of Fremont Human Services Department has been the recipient of Older Americans Act and Older Californians Act funds, used to support its Case Management services, since 1989. In 2005, the City applied for and received additional support from Older Americans Act and Older Californians Act funds to support the Family Caregiver Support Program and Multi-Cultural Activities. In FY 2009/10, these contracts totaled \$110,425.

DISCUSSION: The funds from the Older Americans Act and Older Californians Act will support Case Management activities, which coordinates services to help frail seniors stay in their homes; the Family Caregiver Support Program, which supports individuals who are caregivers of a senior; and to provide Multi-Cultural Activities at the City of Fremont Senior Center. The funds are managed through the Area Agency on Aging for Alameda County. The award will be for a four-year cycle (2010-2014).

FISCAL IMPACT: The funds from the Older Americans Act and Older Californians Act will continue to support existing Case Managers, Counselors and Senior Center staff. If successful, staff anticipates being awarded a minimum of \$110,425. These funds may only be used for direct services delivery. If funds are received, they will be included for appropriation in the proposed operating budgets for FY 2010/11 through FY 2013/14, as applicable.

ENCLOSURE: [Draft Resolution](#)

RECOMMENDATION: Adopt a resolution:

1. Authorizing the City of Fremont to submit proposals to the Area Agency on Aging for Older Americans Act and Older Californians Act funds to support the Caregiver Support Program, Senior Case Management Program and Multi-Cultural Activities at the Senior Center;
2. Authorizing the City Manager or designee to accept any awarded grant funds, and execute any grant agreements and any necessary implementing documents., subject to adoption of the operating budget for the fiscal year in which the grant funds are to be utilized.

***2.9 EMERGENCY MEDICAL TECHNICIAN BACKGROUNDS**

Consider Adopting a Resolution Authorizing Access to Federal, State and Local Summary Criminal History Information for Emergency Medical Technicians Certified by the City of Fremont Fire Department

Contact Person:

| | | |
|---------|---------------------|---------------------|
| Name: | Ron Maize | Bruce Martin |
| Title: | Acting Deputy Chief | Fire Chief |
| Dept.: | Fire | Fire |
| Phone: | 510-494-4253 | 510-494-4202 |
| E-Mail: | rmaize@fremont.gov | bmartin@fremont.gov |

Executive Summary: The City Council's adoption of the enclosed resolution will authorize City staff to access information obtained through criminal background checks on emergency medical technicians ("EMTs") employed under the Fire Department. The authorization is necessary to comply with a new State law that requires the background checks be performed on all EMTs at the time of certification and re-certification.

BACKGROUND: The City of Fremont employs firefighters who must be certified as EMTs as part of their job qualifications. Firefighter/EMTs must be re-certified every two years. The Fire Department performs the certification and re-certification process for all new and existing EMT employees of the Department.

On June 11, 2009, the Fire Department received official notification from the State of California, Emergency Medical Services Authority of the upcoming requirements under Assembly Bill 2917 (2007-2008 session, Torrico). Assembly Bill 2917 requires California Department of Justice and Federal Bureau of Investigation (FBI) background checks for all EMTs working in pre-hospital care, which includes firefighter/EMTs. Under the new law, the checks must be performed on each new Firefighter/EMT hired after July 1, 2010. Currently, certified EMTs are grandfathered into this requirement, thus eliminating the need for an FBI background and reducing the registry fees if they receive a Department of Justice background (Live Scan) before July 1, 2010.

Unlike EMTs, Paramedics are licensed by the California State Medical Services Authority. One of their criteria for licensure, since 1994, includes a background check performed by the Department of Justice. Since paramedics have already been subject to a background check, they are exempt from the background requirements proposed in this resolution.

DISCUSSION/ANALYSIS: Penal Code Sections 11105 and 13300 authorize cities to conduct state and local criminal background checks and to request criminal background information from the Federal Bureau of Investigation, provided the checks are authorized by the city council. The Fremont City Council previously adopted Resolution 2009-60, authorizing staff to perform background checks for all employees and for recipients of specific licenses and certificates. As the new State requirement for EMTs pertains to a certification process, the City Council must grant additional authorization for the City to receive summary criminal history information for EMT certification. Adoption of the new

resolution will allow the Fire Department, with assistance from the Police Department, to comply with Assembly Bill 2917.

FISCAL IMPACT: The financial impact on the Fire Department budget will be minimal. An EMT recertification/registry fee of \$37 is required every two years for each Firefighter/EMT. Total biennial cost is estimated at \$ 2,500, and can be absorbed within the approved budget.

ENVIRONMENTAL REVIEW: N/A

ENCLOSURES:

- [Draft Resolution](#)
- [Letter notifying fire departments of new background check requirements for agencies that certify EMTs](#)

RECOMMENDATION: Adopt a resolution authorizing access to summary criminal history information for EMTs certified by the City of Fremont Fire Department.

***2.10 PURCHASE OF TWO COMPRESSED NATURAL GAS (CNG) STREET SWEEPERS**
Authorization for the City Manager or Designee to Purchase Two Compressed Natural Gas (CNG) Street Sweepers from Municipal Maintenance Equipment, Inc., in an Amount Not to Exceed \$566,833

Contact Person:

| | | |
|---------|------------------------------|---|
| Name: | Mark P. Collins | Frank Morgan |
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Executive Summary: There are currently two compressed natural gas (CNG) street sweepers in the City's fleet that have reached the end of their useful lives and are scheduled to be replaced during the current fiscal year. In an ongoing effort to "green" the vehicles and equipment in our fleet, the two CNG street sweepers will be replaced again with CNG street sweepers. A competitive procurement process was conducted to obtain fair and competitive pricing for the replacement of the two CNG street sweepers.

Based on the competitive bids received, staff is recommending that the City Council authorize the City Manager or designee to enter into a purchase order for the purchase of the two CNG street sweepers with Municipal Maintenance Equipment, Inc., the lowest responsive and responsible bidder, in the amount of \$566,833.

BACKGROUND: The Fleet Maintenance Supervisor monitors vehicle and equipment operating costs, and recommends replacement of vehicles and equipment based on age, mileage, repair record, and other criteria. In accordance with Administrative Regulation 4.2: Vehicle Policy & Procedures, staff have analyzed the Street Maintenance Division's street sweepers complement and have determined that these two CNG street sweepers meet the replacement criteria and have been scheduled for replacement.

The primary considerations in recommending replacement are the sweeper's age, mileage and repair records, which exceed the established maximums as per the City's vehicle replacement criteria. Although the street sweepers are still functional, their age and extensive usage are contributing to increased mechanical failures and maintenance costs. The economical operation of the City's fleet requires that vehicles and equipment be replaced before vehicle operating costs become prohibitive; therefore, staff is recommending the replacement of these street sweepers as soon as possible.

The purchase of CNG regenerative air street sweepers will sustain an environmentally "green" fleet, will support the City's Green Task Force efforts, and will offer an alternative fuel solution that reduces the City's dependency on oil. These vehicles are on the FY 2009/10 Vehicle Replacement List, which was used as a basis for establishing the FY 2009/10 Vehicle Replacement Fund 610 appropriation. Retired vehicles will be sold at auction and the proceeds from the sale will be returned to the Vehicle Replacement Fund (610).

DISCUSSION/ANALYSIS: The two CNG street sweepers meet or exceed the vehicle replacement criteria listed in the Administration Regulation 4.2: Vehicle Policy and Procedures, and they are on the FY 2009/10 Vehicle Replacement List. To ensure the best possible pricing, staff utilized the formal competitive bid process in accordance with the Fremont Municipal Code (FMC) Chapter 9 Purchasing Ordinance.

In December 2009, a competitive procurement process was conducted to obtain fair and competitive pricing for the replacement of the two CNG street sweepers. The City advertised invitations for bids for the replacement of these CNG street sweepers by sending the solicitation to 30 vendors and posting the invitation on the City's website. The City received three bids, two of which met the bid specifications and requirements. The following bid summary reflects the two responsive bids received:

| <u>Vendor</u> | <u>Total Bid Amount</u> |
|---------------------------------------|--------------------------------|
| Municipal Maintenance Equipment, Inc. | \$566,833 |
| Owen Equipment Sales | \$614,929 |

Based on staff's analysis of the bids, Municipal Maintenance Equipment, Inc., is the lowest responsive and responsible bidder. The total bid amount includes sales tax, dealer discount, tire fee, and all delivery charges.

FISCAL IMPACT: The total purchase price for the two CNG street sweepers in the amount of \$566,833 will be paid from funds previously appropriated from the Vehicle Replacement Fund (Fund 610) for this procurement. Sufficient funding is available in the 610 fund.

ENVIRONMENTAL REVIEW: None

ENCLOSURE: None

RECOMMENDATION: Authorize the City Manager or designee to execute a purchase order with Municipal Maintenance Equipment, Inc., in an amount not to exceed \$566,833 for the purchase of two Compressed Natural Gas (CNG) street sweepers.

***2.11 PACIFIC COMMONS PLANNED DISTRICT MAJOR AMENDMENT**

Public Hearing (Published Notice) a Planned District Major Amendment to add Various Retail and Service Commercial Land Uses to the Uses Currently Allowed Within Planning Areas 2, 3C, and 4 of the Pacific Commons Major Retail District, as Recommended by the Planning Commission (PLN2010-00114)

Contact Person:

| | | |
|---------|-----------------------|-----------------------|
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Executive Summary: The City Council is being asked to consider a Planned District Major Amendment to allow certain additional retail and service commercial land uses to locate within the existing buildings in the Pacific Commons Major Retail District. This new Planned District Major Amendment (PLN2010-00114) would further amend the Planned District approved in 2004 (PLN2003-00166), which allowed for the development of the Pacific Commons Major Retail District. The applicant has advised staff that a significant amount of space is currently vacant within the project and believes that the proposed new land uses will allow them to acquire other tenants. The subject site is designated in the General Plan as Restricted Industrial – Commercial-Industrial Overlay. On January 25, 2010 the Planning Commission reviewed the proposal and recommended by a unanimous vote of 6-0-0-1 (one Commissioner abstaining) that the City Council approve the project based on the findings and subject to the conditions of approval contained in Exhibit “A”.

Background: The Pacific Commons Development was originally approved in 1996 with a mixed-use industrial development and retail “power center” on approximately 840 acres. Due to a reduction of the developable land within the project area based on Resource Agency requirements and the changing market conditions since the 1996 City Council approval, subsequent land use changes and approvals have occurred to respond to the changing market trends.

Most recently, on June 26, 2003, the Planning Commission recommended that the City Council approve a Planned District Major Amendment (PLN2003-00166) to allow for the development of a major retail development on approximately 79 acres of land within the area commonly known as the Pacific Commons Development. The amendment specifically approved the following:

- Allow for the creation of a unique, pedestrian-oriented community retail shopping center at the east Activity Center in place of the previously envisioned hotel, office and retail uses (Planning Area 1);
- Relocate the Major Retail Area to an approximately 40 acre area along Auto Mall Parkway between Christy Street and Boscell Road (Planning Area 2 & 3);
- Allow for the development of mixed retail, one to four-story Office/Research & Development buildings and auto dealerships on the west side of Boscell Road from Auto Mall Parkway to Curie Street (Planning Area 4);
- Return Boscell Road to the alignment proposed through the 2000 approvals; and

- Extend Pacific Commons Boulevard from Curie Street to Auto Mall Parkway.
- Amendments to the Development Agreement: (i) extend the completion date for Cushing Parkway; and (ii) limit drive-thru restaurants to two unique establishments.

On July 22, 2003, City Council approved the Planned District Major Amendment (PLN2003-00166) based upon the required findings and conditions of approval. The Guidelines and Standards relating to the amendment were inserted into a document entitled **Supplement “B” – Pacific Commons Planned District Development Standards and Guidelines**. Supplement “B” is the document which guides and directs development within the Major Retail District in Pacific Commons.

The entire Pacific Commons Major Retail Area is generally located west of Interstate I-880, south of Auto Mall Parkway, north of Curie Street and east of the Fremont Auto Mall. The Major Retail District occupies approximately 79 of the 300 acres of the Pacific Commons Master Planned Development. The various parcels of land, which were effected by the Planned District Major Amendment, have been divided up into four (4) distinct Planning Areas, due to the proposed land uses envisioned and physical characteristics. Planning Areas 1, 2, and 3 have been fully developed with commercial retail space (Informational 1).

The owner has advised staff that due to the economic down turn that approximately 110,500 square feet of the 863,885 square foot Retail District is currently vacant (Informational 2). However, Planning Area 4 which was the last part of the project to be developed has had some challenges in acquiring tenants even before the current economic climate. Staff and the developer were aware that there maybe some challenges in tenanting Planning Area 4 due to its location, surrounding vacant lands, proximity to I-880, and lack of visibility from Auto Mall Parkway, however, all had hoped that these obstacles would be overcome by the synergy that the District would create. In 2008 the owner and staff had discussion as to how to attract/retain tenants within Planning Area 4. One of the suggestions that was reviewed and ultimately approved was to install a 12-foot high sign within Planning Area 3, which advertises tenants located within both Planning Areas 3 and 4. The owner, however, now feels that some additional uses are required to fill some of the current vacant space.

Project Description: The proposed project is a Planned District Major Amendment to add specific retail and service commercial land uses to the existing Planned District for the Pacific Commons Major Retail District, as it relates to Planning Areas 2, 3C, 4A & 4B. The chart included in the Zoning Regulations Section of the staff report specifically outlines the proposed uses and which Planning Area the use is proposed for. The applicant is also proposing to impose limitations on the amount of square footage that these new uses could occupy within the Retail District, which will ensure that the original intent of the Pacific Commons is maintained. No additional improvements are proposed to the buildings or site at this time.

Project Analysis *General Plan Conformance:*

The existing General Plan land use designation for the project site is Restricted Industrial, with a Commercial Overlay (IR-C-I). The proposed project is consistent with the existing General Plan land use designation for the project site because the project conforms to the following policies outlined in the City’s General Plan.

Policy LU3.2: The General Plan allowed uses for Restricted Industrial are sufficiently broad, with regional retail uses permitted on sites with convenient freeway access and where the proposed use is compatible with the purpose of the industrial area. The Major Retail District incorporates linkages to the nearby business districts and is located off of I-880. The proposed uses will be used by employees of the surrounding industrial area and are compatible to the existing uses within the Pacific Commons Retail District. Therefore, the proposed additional land uses are appropriate for this General Plan designation.

Policy LU3.3 Allowed Use: The General Plan allows for commercial uses providing necessary services and large-scale regional retail in industrial designated areas. The proposed land uses in combination with the existing development provide a needed and convenient amenity for the employees of the surrounding industrial lands and visitors of Pacific Commons.

Zoning Regulations:

The current zoning of the project site is Commercial Planned District, P-2000-214, as amended by P-2003-166. The proposed project (PLN2010-00114) would not change the zoning designation, but will amend what is allowed within the District as well as procedures for reviewing subsequent projects.

The Zoning Ordinance, specifically Article 18.1 (Planned District), Section 8-21811(g), requires that land uses selected for consideration in a Planned District must be those most similar in nature and function to its underlying General Plan designation. Staff recommends the following land uses be added to the list of uses permitted or conditionally permitted for this Planned District as specified for each respective delineated “Planning Area”, as they are uses appropriate in nature and function to the site’s underlying Restricted Industrial, Commercial –Industrial Overlay land use designation.

Additional Planning Area 2 Uses:

Permitted Use: Beauty and barber shops limited to a maximum cumulative floor area of 2,000 square feet.

**All currently permitted or zoning administrative uses as specified in PLN2003-00166*

Additional Planning Area 3C, 4A & 4B Uses (as listed in the table below):

| List of Uses, Planned District Amendment P2010-00114 | |
|--|--|
| All permitted or zoning administrative uses as specified by PLN2003-00166 | As specified P ¹ CUP ² and Z ³ |
| Beauty and barber shops | P |
| Clothing and costume rental | P |
| Dance school/studio | Z |
| Health clubs and Spas with no massage | Z |
| Health clubs and spas • massage provided the technician has a valid permit and the use is an ancillary service to the health club or spas | CUP |
| Judo and karate instruction | Z |
| Laundry cleaning and garment services; except power and industrial launderers | P |
| Personal Service (excluding body piercing and tattoo) | P |

| List of Uses, Planned District Amendment P2010-00114 | |
|---|---|
| Photographic studios, portraits | P |
| Shoe repair, shoeshine and hat cleaning shops | P |
| Tanning salon | P |
| Educational services not elsewhere classified | Z |
| Travel agencies & bureaus | P |
| Watch, clock & jewelry repair | P |

¹Permitted Use.

²Conditional Use Permit

³Zoning Administrator Permitted Use.

Further Limitations On Uses Added Above: The uses being added by PLN2010-00114 shall be limited to a maximum square footage per Planning Area as outlined below:

- Planning Area 3C limited to 6,500 square feet.
- Planning Area 4A limited to 7,500 square feet
- Planning Area 4B limited to 7,700 square feet

For all interior tenant improvements or at the establishment of a new business that relates to any of the above uses, the applicant of such tenant improvement or business license shall provide list of current tenants within the building furnished by the landlord or their property manager to ensure that the maximum square footage provisions are not exceeded.

Staff felt that some of the proposed new land uses needed further review and analysis depending on the size/location of the use and therefore, are proposing that such uses acquire a Conditional Use Permit Zoning Administrators permit prior to establishing such a use. The above chart indicates those uses which staff are recommending require a Conditional Use Permit or Zoning Administrators Permit.

Planning Commission Action: The Planning Commission at their January 25, 2010 meeting, held a Public Hearing and unanimously (6-0-0-0-1) recommended approval of the Planned District Major Amendment.

Environmental Review: This project is exempt under the California Environmental Quality Act (CEQA) Guidelines Section 15304 Minor Alteration of Land Use Limitation. The project causes no change to the environment as the site is already developed. The proposed commercial uses have the same general attributes as current uses and would not alter how the sites operate as a commercial property.

Public Notice and Comment: A total of 266 notices were mailed to the owners and occupants of all the properties. These notices were mailed out by the City Clerk's Office on Thursday, February 18, 2010. A Public Hearing Notice was also published in *The Tri-City Voice* on this same date.

FISCAL IMPACT: None.

ENCLOSURES:***Exhibits:***

- [Draft Ordinance](#)
- [Exhibit “A” Zoning Map](#)
- [Exhibit “B” Findings & Conditions of Approval](#)

Informational Items:

- [Informational 1 - Pacific Commons Map – Identifying Planning Areas](#)
- [Informational 2 - Pacific Commons – Matrix of Tenants by Planning Area](#)
- [Informational 3 - Draft Minutes from January 8, 2010 Planning Commission hearing](#)

RECOMMENDATION:

1. Hold public hearing;
2. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guideline 15305 which exempts minor alterations to land uses;;
3. Find that Planned District Major Amendment P-2010-00114 is in conformance with the relevant provisions contained in the City's current General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use Chapter and as enumerated within the staff report;
4. Waive full reading and introduce an ordinance amending Planned District P-2002-214 by approving PLN2010-00114, as shown on Exhibit “A”, subject to the findings and conditions contained in Exhibit “B”.
5. Direct staff to prepare and the City Clerk to publish a summary of the above ordinance outlined in recommendation No. 4.

6.1 Report Out from Closed Session of Any Final Action

7.1 ADOPTION OF THE CONSOLIDATED AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE FREMONT MERGED REDEVELOPMENT PROJECT AND RELATED STATUTORY ACTIONS

Adoption of the Consolidated Amended and Restated Redevelopment Plan for the Fremont Merged Redevelopment Project and Related Statutory Actions, Which Include: (1) Adoption of the Concurrent Resolution of the Redevelopment Agency and City Council Certifying the Final Subsequent Environmental Impact Report; (2) Adoption of Responses to All Written Communications about the Plan Amendment; and (3) Introduction of the Ordinance Adopting the Amended Plan and Making the Required Legal Findings

Contact Person:

| | | |
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Note: A companion item is on the Redevelopment Agency's agenda.

Executive Summary: In order to improve public facilities, revitalize the business environment, and provide quality housing opportunities to local residents, the Redevelopment Agency has been implementing the redevelopment program for the areas comprising the Fremont Merged Project Area since 1977 for the Irvington and Niles areas, since 1983 for the Industrial area, and since 1997 for the Centerville area. These redevelopment areas were combined in 1998 to form the Merged Project Area.

The proposed Amended Redevelopment Plan (as further described below) is the result of over two years of discussion and consultation with various community organizations and committees and other local governmental agencies. If adopted, the proposed Amended Redevelopment Plan would achieve the following:

- Amend, restate, and consolidate the current constituent redevelopment plans for the Irvington, Niles, Centerville and Industrial portions of the Merged Project Area into the form of a single Amended Redevelopment Plan officially entitled: "Consolidated Amended and Restated Redevelopment Plan for the Fremont Merged Redevelopment Project Area (including the Irvington, Niles, Centerville, and Industrial Areas)." This Amended Redevelopment Plan would incorporate the applicable provisions from each of the current constituent redevelopment plans;
- Increase the limit on the amount of tax increment revenue from the Industrial Area portion of the Merged Project Area that may be claimed by the Agency from the current limit of \$400 million to a revised limit of \$1.5 billion;
- Increase the limit on the principal amount of bonded indebtedness secured by tax increment revenue that may be outstanding at any time from the current combined Merged Project Area limit of \$200 million to a revised combined limit of \$550 million;
- Update the lists of projects, programs and activities that may be undertaken by the Agency in the Merged Project Area; and

- Update various text provisions to conform to the current requirements of the California Community Redevelopment Law (the “CRL”).

The proposed Amended Redevelopment Plan would provide the Agency with the financial and legal resources needed to complete the program of redevelopment for the Merged Project Area, including transit and railway improvements; economic development and job creation efforts; building rehabilitation, façade improvement, and historic preservation activities; street, park and other public infrastructure facilities, and landscaping improvements; hazardous materials clean-up; and provision of new and rehabilitated affordable housing.

During the February 16, 2010 joint public hearing, the Agency Board and City Council considered the following: (1) adoption of the proposed Amended Redevelopment Plan; (2) adoption of the proposed amended five-year Implementation Plan for the Merged Project Area (Amended Implementation Plan); (3) certification of the Final Subsequent Environmental Impact Report for the proposed Amended Redevelopment Plan (further described below, and sometimes referred to in this report as the EIR); and (4) all evidence and testimony for and against the adoption and certification of the foregoing documents.

This evening, the City Council and Agency Board are being asked to consider the adoption of the Amended Redevelopment Plan for the Merged Redevelopment Area and related statutory actions, which include the following: (1) adoption of concurrent resolution of the Redevelopment Agency and City Council certifying the Final Subsequent Environmental Impact Report and making findings pursuant to the California Environmental Quality Act (CEQA), including adopting a statement of overriding considerations; (2) adoption of responses to all written comments or objections to the Amended Redevelopment Plan; and (3) introduction of the ordinance adopting the Amended Redevelopment Plan and making the required legal findings pursuant to the CRL.

BACKGROUND: On December 22, 2009, the City Council and the Redevelopment Agency received the final proposed Amended Redevelopment Plan, the Report to Council on the Amended Redevelopment Plan (including the proposed Amended Implementation Plan), and the Final Subsequent Environmental Impact Report on the proposed Amended Redevelopment Plan. These documents have also been transmitted to the Planning Commission, the Redevelopment Advisory Committee (RAC), and various commenting agencies as appropriate. On February 16, 2010, the Council and Agency conducted a joint public hearing to receive comments from the public on the proposed Amended Redevelopment Plan and accompanying documents, and to consider adoption of the proposed Amended Redevelopment Plan. A large majority of public comments received during the February 16, 2010 City Council and Agency Board public hearing were in support of the proposed Amended Redevelopment Plan. A few speakers expressed concerns about the impact of the Amended Redevelopment Plan on local school finances and the City’s General Fund, and about the value of spending future redevelopment funds on the Irvington BART station.

DISCUSSION/ANALYSIS:

Reasons for Amended Redevelopment Plan: Since 1998, the Agency has participated in numerous redevelopment efforts in the Niles, Irvington, and Centerville areas (referred to collectively as historic areas) and has completed or appropriated all necessary funds for the four freeway interchanges in the Industrial Area. However, the ultimate costs of the interchanges and the Washington Grade Separation were much higher than initially projected. As a result of the Agency’s obligation to fund these

significant infrastructure improvements, the anticipated sharing of revenues from the Industrial Area to the historic areas has not occurred nearly to the extent anticipated at the time of the 1998 Plan Amendments and Merger. Therefore, many of the projects intended for the historic areas have not been sufficiently funded and have been placed on hold or are progressing more slowly than anticipated.

Additionally, the total tax increment revenues available to the Agency for its Merged Redevelopment Program by the time the Industrial Area will reach its \$400 million tax increment cap in Fiscal Year (FY) 2011/12 are projected to be approximately \$43.7 million (in present value dollars). This amount falls far short of the estimated \$465.7 million needed by the Agency to accomplish the proposed Merged Redevelopment program.

With the proposed Amended Redevelopment Plan, the Agency is projected to receive a total of approximately \$430.3 million (in present value dollars) in tax increment revenue, which represents tax increment available from the entire Merged Project Area (including Industrial, Centerville, Irvington, and Niles Subareas). This future revenue will fund a number of projects and programs targeted at eliminating the documented remaining blight in the Merged Project Area. More specifically, approximately \$243 million will be available for non-housing redevelopment projects, such as the Irvington BART Station, multi-modal transit facility in the Industrial Area, Monument Center Redevelopment in Irvington, redevelopment of Phase 2 of the Union Pacific site in Niles, and re-use of the Dusterberry/Peralta site in the Centerville area. Approximately \$148 million will fund affordable housing expenditures, which will focus on furthering the City's Five Point Program targeting the City's overall goals to produce, enhance and preserve affordable housing stock.

ENVIRONMENTAL REVIEW: An EIR (SCH#2008012048) has been prepared for the proposed project, pursuant to CEQA. As the proposed project is an amendment (in the form of the Amended Redevelopment Plan) to the current redevelopment plans for the subareas comprising the Merged Project Area, a Subsequent EIR was prepared that considered tiered analysis of previous Redevelopment Agency actions with contemplated effects of development from the baseline condition of when the project was initiated through the year 2030.

The general purpose of an EIR is to act as an informational document that:

- Describes the proposed project in substantial detail, outlines the project objectives, establishes the environmental setting, and identifies the potentially significant environmental effects of the project;
- Identifies feasible ways to minimize the significance of potential environmental effects;
- Discusses reasonable alternatives to the project that minimize, reduce, or avoid identified environmental effects.

The EIR is not intended to recommend either approval or denial of a project. Instead, the EIR process is intended to inform decision makers and the public about the potential environmental effects of a project so as to facilitate informed decision making. The EIR process included preparation of a Draft EIR that was available for public comment for a minimum of 45 days. The Draft EIR for the proposed project was circulated for public review from August 19, 2009 through October 5, 2009. Preparation of the Final EIR occurred at the conclusion of the Draft EIR comment period and includes responses to comments made on the Draft EIR and revisions to the Draft EIR. The two documents comprising the

complete EIR include the Draft EIR and Response to Comments/Final EIR. The Final EIR is dated November 2009 and is considered in combination with the Draft EIR.

Prior to acting on a proposed project, the City of Fremont acts in the role of the Lead Agency and must certify the EIR as adequate. To determine adequacy of an EIR, the Lead Agency must determine the sufficiency of the information in the document, not the correctness of its conclusions. Legal adequacy of an EIR is generally characterized by the following:

- All required contents are included;
- An objective, good-faith effort at full disclosure of potential environmental effects is provided;
- A reasonable treatment of issues is provided;
- Disagreement among experts is acceptable;
- Perfection is not required;
- Exhaustive treatment of issues is not required; and
- Minor technical defects are not necessarily fatal.

Significant Effects and Mitigation: The EIR identified potential impacts in 12 topical areas, including Aesthetics, Population and Housing; Air Quality; Climate Change; Biological Resources; Cultural and Historic Resources; Hazards and Hazardous Materials; Drainage and Water Quality; Land Use; Noise; Public Services and Utilities; and Transportation. As part of the analysis, mitigation measures were identified and included in the draft mitigation monitoring and reporting plan to reduce potential impacts to a less than significant level. Commonly, development controls consistent with City policies and practices for project review are included in the assessment of potential impacts of the Amended Plan. However, not all potentially significant environmental effects could be reduced to a level of less than significant.

Significant and Unavoidable Impacts: The EIR identified 13 potentially significant and unavoidable impacts related to Transportation, Cultural and Historic Resources, Water Supply, Noise, Regional Air Quality, and Green House Gas Emissions/Climate Change. More specifically, these impacts include the following:

- *Impact 7-1, 7-2, 7-3 Transportation – Project and Cumulative Impacts to roadway intersections and roadway segments:* With consideration of project buildout only, the EIR identifies in Table 7-18 an impact to Mission Boulevard/Niles Canyon Road and at the intersection of Grimmer Boulevard/Blacow Road. These impacts are caused by the substantial amount of potential commercial growth evaluated for Niles and the new growth and change in circulation in Irvington as a result of the BART station.
- *Impact 8-1 Water Supply – Cumulative Water Supply for the long term build out of the Plan:* The EIR identifies that, due to uncertainty in regional water planning, there is the potential for a significant impact to long-term water supply demands from development facilitated by the Plan. The EIR identifies mitigation as within the control of ACWD through the update of the Urban Water Management Plan and a number of potential long term sources of additional water supply.

- *Impact 10-1, 10-2, 10-4 Cultural and Historic Resources - Potential destruction and degradation of resources:* Niles, Irvington, and Centerville have a rich tradition as original communities in Fremont and have a substantial number of individual historic resources. While the EIR does not identify specific resources that will be impacted by implementing the Amended Redevelopment Plan, there is potential for some historic resources to be demolished or degraded by individual activities of the Amended Redevelopment Plan.
- *Impact 12-6, 12-7 Noise - Increase in roadway noise in Niles and Irvington:* The new development facilitated by the Amended Redevelopment Plan will contribute to increases in traffic levels on major roadways within Niles and Irvington.
- *Impact 13-2, 13-3 Air Quality - Individual and Cumulative effects on regional air quality for ozone precursors:* The EIR identified that buildout of the plan will cause an increase in emission of ozone precursors [reactive organic gases (ROG), nitrogen oxide (NO_x), and particulate matter (PM₁₀)] and contribute to the degradation of long-term air quality. No mitigation can fully reduce the emissions and the impact is significant and unavoidable.
- *Impact 14-1, 14-3 Global Climate Change: CO₂ emissions from new development may have a considerable contribution to Global Climate Change:* While no one project can have a considerable effect on global climate change, the cumulative effect of all development considered together could have a considerable level of new emissions contributing to global climate change. There is no bright line regulatory threshold for evaluation of greenhouse gas emissions and it is considered individually for each type of project through CEQA.

Alternatives Analysis: CEQA requires consideration of alternatives to a proposed project to provide a comparison of the effects of the preferred project versus other potentially feasible options that obtain most of the project's objectives and potentially lessen or avoid a significant impact. At the conclusion of the alternatives analysis, the EIR identifies an Environmentally Superior Alternative to the proposed project.

The four alternatives analyzed in Chapter 18 of the Draft EIR include the following:

- *Alternative #1 No Project/No Development:* The *No Project/No Development Alternative* is a mandatory alternative that considers the conditions of the area if the project is not approved. Existing conditions would remain as is with no Redevelopment activities.
- *Alternative #2 No Project/Completion of Current Redevelopment Plan:* This version of the "no project" alternative contemplates what would occur without the Amended Plan and only completion of activities already part of the Redevelopment Plan and within the current fiscal cap of \$400 million.
- *Alternative #3 Reduced Commercial and Industrial Development in Niles, Irvington, and Centerville:* This alternative contemplates a reduction of 50-75% in expected commercial and industrial development in Niles, Irvington, and Centerville. Housing activities were held constant and not reduced.

- *Alternative #4 Reduced Tax Increment Revenue Increase:* This alternative contemplates reducing the cap increase by 50% with no restrictions on which activities or types of growth are part of the project. This alternative would slow the elimination of blight and would not have enough revenue to enact all the activities contemplated by the proposed Amended Plan.

Environmentally Superior Alternative: Alternative 3 with Reduced Commercial and Industrial Development would attain most of the project objectives and lessen the environmental effects compared to the proposed Amended Plan as the Environmentally Superior Alternative. The “No Project” alternatives would not meet any project objectives and do not qualify under CEQA as environmentally superior alternatives.

Statement of Overriding Considerations: Because the project has significant and unavoidable impacts associated with its implementation, CEQA requires the lead agency to balance the benefits of a project against its significant environmental effects in conjunction with project approval. CEQA defines benefits as economic, legal, social, technological, or other. If a project’s benefits outweigh its unavoidable adverse environmental effects, the adverse effects may be considered “acceptable.” When a public agency approves a project with significant effects that are not avoided or substantially lessened with mitigation or changes to the project, the agency must state in writing the specific reasons to support its action. The written statement is formally known in CEQA as a Statement of Overriding Considerations.

Both staff and the Planning Commission recommend the City Council adopt a Statement of Overriding Consideration based on both social and economic benefits to the City and the region as a whole by providing for substantial amounts of affordable housing, removing blight, supporting public transit infrastructure and roadway improvements, and increasing the economic activity and tax base of the City. More specifically, by adopting the Statement of Overriding Consideration, the City Council and the Agency are making findings in support of the following:

1. The additional financial and legal resources made possible by the adoption and implementation of the Amended Redevelopment Plan, in combination with the mitigation measures listed in the enclosed CEQA resolution, will contribute to the physical and economic revitalization of the historic business districts of Irvington, Niles, and Centerville, which currently suffer from underutilization and decline or stagnation of business activity;
2. Completion of the redevelopment program for the Industrial Area made possible by adoption of the Amended Redevelopment Plan, in combination with the mitigation measures listed in the enclosed CEQA resolution, will also contribute to the build-out of the Industrial Area, thereby further enabling the Industrial Area to serve the entire City and the County of Alameda as a major regional source of advanced technology employment opportunities;
3. Adoption and implementation of the Amended Redevelopment Plan, in combination with the mitigation measures listed in the enclosed CEQA resolution, will contribute to expansion and preservation of decent, safe, and sanitary affordable housing;

4. Adoption and implementation of the Amended Redevelopment Plan will enable the Agency to invest in major regional public transportation improvements, including construction of the Irvington BART station and other transit improvements throughout the Merged Project Area.
5. Adoption and implementation of the Amended Redevelopment Plan will enable construction of additional public transit facilities and will promote transit-oriented development, thereby accommodating greater levels of regional residential and commercial growth in in-fill locations of the Bay Area that will reduce greenhouse gas and other air pollutants and use fewer energy resources than were such regional growth to be occur in more outlying areas.

In summary, by adopting the Statement of Overriding Considerations and making the required statutory findings, the City Council and Agency conclude that economic and social considerations outweigh the remaining environmental effects of the adoption and implementation of the Amended Redevelopment Plan.

WRITTEN COMMUNICATIONS ABOUT THE PLAN AMENDMENT: The City received ten written communications about the proposed Amended Redevelopment Plan. Major questions and issues raised in these communications included the following:

- Potential burden of the Amended Redevelopment Plan and Agency-assisted projects and facilities on the City's General Fund;
- Relationship between NUMMI site re-use and the proposed Amended Redevelopment Plan;
- Potential impact of Amended Redevelopment Plan on local schools; and
- Potential financial burden of funding the proposed Irvington BART station on the Agency's resources.

As required by the CRL, the enclosed resolution includes written responses to these communications for consideration of approval by the City Council as a pre-condition to consideration and adoption of the ordinance adopting the Amended Redevelopment Plan. The written responses provide detailed consideration and analysis in response to the written comments received on the Amended Redevelopment Plan.

ORDINANCE ADOPTING THE AMENDED PLAN:

The primary purposes of the ordinance that is presented for consideration of introduction this evening are to adopt the Amended Redevelopment Plan and make related statutory findings under the CRL.

In accordance with the CRL, the ordinance includes findings and supporting evidence that significant blight remains in the Merged Project Area that cannot be eliminated without adoption of the Amended Redevelopment Plan; implementation of the Amended Redevelopment Plan will improve or alleviate physical and economic blight conditions in the Merged Project Area; the time and dollar limits with respect to receipt of tax increment revenue by the Agency under the Amended Redevelopment Plan are reasonably related to the projects needed to eliminate remaining blight in the Merged Project Area; the Amended Redevelopment Plan would redevelop the Merged Project Area in conformity with the CRL and would be in the interest of the public peace, health, safety and welfare; the Amended Redevelopment Plan conforms to the City's General Plan; adoption and implementation of the Amended Redevelopment Plan is economically sound and feasible; the elimination of blight and redevelopment of

the Merged Project Area could not reasonably be expected to be accomplished by private enterprise without the aid of the Agency; specified agreements of the Agency with affected taxing entities are valid and binding and authorized pursuant to the CRL for purposes of Health and Safety Code Section 33500(b); and other findings required or permitted by the CRL.

These findings are based on the entire record of the Amended Redevelopment Plan proceedings now before the City Council, with particular reference to the Report to Council and the EIR.

ENCLOSURES:

- [Draft Resolution of the Redevelopment Agency and City Council certifying the Final Subsequent Environmental Impact Report and making related CEQA findings, including adopting a statement of overriding considerations;](#)
- [Draft Resolution adopting written findings and responses to written comments or objections received in connection with consideration of the Consolidated Amended and Restated Plan for the Fremont Merged Redevelopment Project;](#)
- [Draft Ordinance amending the Redevelopment Plans for the Irvington, Niles, Centerville and Industrial Redevelopment Projects and Project Areas, and approving and adopting the Consolidated Amended and Restated Redevelopment Plan for the Fremont Merged Redevelopment Project pursuant to the California Community Redevelopment Law.](#)

RECOMMENDATION: Staff recommends that City Council:

1. Adopt Concurrent Resolution of the Redevelopment Agency and City Council certifying the Final Subsequent Environmental Impact Report and making related CEQA findings, including adopting a mitigation monitoring program and a statement of overriding considerations;
2. Adopt Responses to all written communications about the Amended Redevelopment Plan; and
3. Introduce the Ordinance amending the Redevelopment Plans for the Irvington, Niles, Centerville and Industrial Redevelopment Projects and Project Areas, and approving and adopting the Consolidated Amended and Restated Redevelopment Plan for the Fremont Merged Redevelopment Project pursuant to the California Community Redevelopment Law.

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events

ACRONYMS

| | | | |
|----------------|--|--------------|---|
| ABAG..... | Association of Bay Area Governments | FUSD | Fremont Unified School District |
| ACCMA..... | Alameda County Congestion Management Agency | GIS | Geographic Information System |
| ACE | Altamont Commuter Express | GPA..... | General Plan Amendment |
| ACFCD | Alameda County Flood Control District | HARB | Historical Architectural Review Board |
| ACTA | Alameda County Transportation Authority | HBA | Home Builders Association |
| ACTIA | Alameda County Transportation Improvement Authority | HRC | Human Relations Commission |
| ACWD | Alameda County Water District | ICMA | International City/County Management Association |
| BAAQMD | Bay Area Air Quality Management District | JPA | Joint Powers Authority |
| BART | Bay Area Rapid Transit District | LLMD | Lighting and Landscaping Maintenance District |
| BCDC | Bay Conservation & Development Commission | LOCC | League of California Cities |
| BMPs | Best Management Practices | LOS | Level of Service |
| BMR | Below Market Rate | MOU | Memorandum of Understanding |
| CALPERS..... | California Public Employees' Retirement System | MTC..... | Metropolitan Transportation Commission |
| CBD | Central Business District | NEPA | National Environmental Policy Act |
| CDD..... | Community Development Department | NLC..... | National League of Cities |
| CC & R's | Covenants, Conditions & Restrictions | NPDES..... | National Pollutant Discharge Elimination System |
| CDBG | Community Development Block Grant | NPO..... | Neighborhood Preservation Ordinance |
| CEQA | California Environmental Quality Act | PC..... | Planning Commission |
| CERT | Community Emergency Response Team | PD | Planned District |
| CIP | Capital Improvement Program | PUC..... | Public Utilities Commission |
| CMA | Congestion Management Agency | PVAW | Private Vehicle Accessway |
| CNG..... | Compressed Natural Gas | PWC..... | Public Works Contract |
| COF | City of Fremont | RDA | Redevelopment Agency |
| COPPS | Community Oriented Policing and Public Safety | RFP | Request for Proposals |
| CSAC..... | California State Association of Counties | RFQ..... | Request for Qualifications |
| CTC | California Transportation Commission | RHNA | Regional Housing Needs Allocation |
| dB | Decibel | ROP..... | Regional Occupational Program |
| DEIR..... | Draft Environmental Impact Report | RRIDRO..... | Residential Rent Increase Dispute Resolution Ordinance |
| DO | Development Organization | RWQCB | Regional Water Quality Control Board |
| DU/AC..... | Dwelling Units per Acre | SACNET | Southern Alameda County Narcotics Enforcement Task Force |
| EBRPD | East Bay Regional Park District | SPAA | Site Plan and Architectural Approval |
| EDAC | Economic Development Advisory Commission (City) | STIP | State Transportation Improvement Program |
| EIR..... | Environmental Impact Report (CEQA) | TCRDF..... | Tri-Cities Recycling and Disposal Facility |
| EIS | Environmental Impact Statement (NEPA) | T&O | Transportation and Operations Department |
| ERAF | Education Revenue Augmentation Fund | TOD | Transit Oriented Development |
| EVAW | Emergency Vehicle Accessway | TS/MRF | Transfer Station/Materials Recovery Facility |
| FAR | Floor Area Ratio | UBC | Uniform Building Code |
| FEMA..... | Federal Emergency Management Agency | USD..... | Union Sanitary District |
| FFD..... | Fremont Fire Department | VTa | Santa Clara Valley Transportation Authority |
| FMC..... | Fremont Municipal Code | WMA | Waste Management Authority |
| FPD..... | Fremont Police Department | ZTA..... | Zoning Text Amendment |
| FRC..... | Family Resource Center | | |

**UPCOMING MEETING AND CHANNEL 27
BROADCAST SCHEDULE**

| <i>Date</i> | <i>Time</i> | <i>Meeting Type</i> | <i>Location</i> | <i>Cable Channel 27</i> |
|---|--------------------|---------------------------------------|------------------------|------------------------------------|
| March 9, 2010 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| March 16, 2010 | 6:00 p.m. | Work Session | Council Chambers | Live |
| March 16, 2010 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| March 23, 2010 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| March 30, 2010 (5 th Tuesday) | | No City Council Meeting | | |
| April 6, 2010 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| April 13, 2010 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| April 20, 2010 | TBD | Work Session | Council Chambers | Live |
| April 27, 2010 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| May 3, 2010 | 4:00 p.m. | Joint City Council/FUSD Board Meeting | Council Chambers | Live |
| May 4, 2010 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| May 11, 2010 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| May 18, 2010 | TBD | Work Session | Council Chambers | Live |
| May 25, 2010 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| June 1, 2010 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| June 8, 2010 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| June 15, 2010 | TBD | Work Session | Council Chambers | Live |
| June 22, 2010 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |